

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS  
SVETLANA BLACKBURN  
  
(b) County of Residence of First Listed Plaintiff San Mateo  
(EXCEPT IN U.S. PLAINTIFF CASES)  
  
(c) Attorneys (Firm Name, Address, and Telephone Number)  
VELTON ZEGELMAN P.C.  
525 W. Remington Dr, Ste 106  
Sunnyvale CA 94087  
(408) 505-7892

DEFENDANTS  
ORACLE AMERICA, INC.  
  
County of Residence of First Listed Defendant San Mateo  
(IN U.S. PLAINTIFF CASES ONLY)  
  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  
  
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice  <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §1391(c); 18 U.S.C. §1514A et seq.; 15 U.S.C. §78u-6 et seq.

Brief description of cause:  
Sarbanes-Oxley Act; Dodd-Frank Wall Street Reform and Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2) (Place an "X" in One Box Only)

(x) SAN FRANCISCO/OAKLAND ( ) SAN JOSE ( ) EUREKA

June 1, 2016

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

SVETLANA BLACKBURN, an individual,

Plaintiff(s)

v.

ORACLE AMERICA, INC., a Delaware corporation,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

ORACLE AMERICA, INC.
500 Oracle Parkway
Redwood Shores, CA 94065

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:
VELTON ZEGELMAN P.C.
525 W. Remington Dr, Ste 106
Sunnyvale CA 94087

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_  
\_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

1 Daniel Velton, Esq. (SBN 267890)  
2 VJ Chetty, Esq. (SBN 271778)  
3 VELTON ZEGELMAN P.C.  
4 525 W. Remington Drive, Suite 106  
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6 Telephone: (408) 505-7892  
7 Fax: (408) 228-1930  
8 dvelton@vzfirm.com  
9 vchetty@vzfirm.com

10 Attorneys for Plaintiff  
11 SVETLANA BLACKBURN

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 SVETLANA BLACKBURN, an individual,

15 Plaintiff,

16 v.

17 ORACLE AMERICA, INC., a Delaware  
18 corporation,

19 Defendants.

Case No.:

**COMPLAINT FOR:**

- 20 **(1) Violation of Whistleblower Protections under the Sarbanes-Oxley Act (18 U.S.C. § 1514A *et seq.*);**
- 21 **(2) Violation of Whistleblower Protections under the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. § 78u-6 *et seq.*);**
- 22 **(3) Retaliation under California Labor Code § 1102.5;**
- 23 **(4) Wrongful Termination in Violation of Public Policy**

**DEMAND FOR JURY TRIAL  
(UNLIMITED CIVIL)**

1 Plaintiff SVETLANA BLACKBURN (hereinafter “BLACKBURN” or “Plaintiff”), on  
2 behalf of herself, demanding trial by jury of all issues joined herein, alleges as follows:

3 **JURISDICTION AND VENUE**

4 1. Plaintiff is, and at all times mentioned herein was, a resident of the County of  
5 San Mateo, California and was an employee of Defendants ORACLE AMERICA, INC.  
6 (hereinafter “Defendants” or “the company”). Defendants provide and manage network  
7 security products and services and employed Plaintiff until her termination on August 26, 2015.

8 2. Plaintiff alleges on information and belief that Defendant is a corporation  
9 authorized to do business, employing individuals in and existing under the laws of the State of  
10 California with their principal place of business in San Mateo County at 500 Oracle Parkway,  
11 Redwood Shores, CA 94065.

12 3. The jurisdiction of this Court over the subject matter of this action is predicated  
13 on 28 United States Code section 1331. This is a civil action arising under the Constitution,  
14 laws, or treaties of the United States. The jurisdiction of this Court over the subject matter of  
15 this action is further predicated on 28 United States Code section 1367, as all claims in this  
16 matter form part of the same case or controversy.

17 4. Venue is proper in the Northern District because Defendants exist and operate in  
18 this district and Plaintiff resides in this district. Furthermore, all claims alleged herein arose in  
19 this District.

20 5. Under 28 United States Code section 1391(c), Defendants are subject to this  
21 Court’s personal jurisdiction with respect to this civil action because Defendants are authorized  
22 to transact business within the County of San Mateo, State of California. Defendants conduct  
23 and have conducted day-to-day commercial activities within the County of San Mateo. Thus,  
24 Defendants have engaged in substantial, continuous, and systematic activities within the  
25 County of San Mateo, State of California, providing for a fair and reasonable basis for the  
26 exercise of personal jurisdiction over both Defendants by this Court in this venue.

27 ///

28 ///

1 **INTRADISTRICT ASSIGNMENT**

2 6. This action arises in San Mateo County as a substantial part of the events or  
3 omissions giving rise to the claims occurred in San Mateo County.

4 **PARTIES**

5 7. Plaintiff is, and at all times mentioned herein was, a resident of the County of  
6 Santa Clara, California and was an employee of Defendants ORACLE AMERICA, INC.  
7 (hereinafter “Defendants” or “the company”). Defendants provide and manage network  
8 security products and services and employed Plaintiff until her termination on August 26, 2015.

9 8. Plaintiff alleges on information and belief that Defendant is a corporation  
10 authorized to do business, employing individuals in and existing under the laws of the State of  
11 California with their principal place of business in San Mateo County at 500 Oracle Parkway,  
12 Redwood Shores, CA 94065.

13 **FACTUAL ALLEGATIONS**

14 9. Plaintiff’s tenure at ORACLE, where she worked as a Senior Finance Manager,  
15 North America SaaS/Cloud Revenue, came to an abrupt end because she resisted, refused to  
16 engage in and threatened to blow the whistle on accounting practices she reasonably believed  
17 to be unlawful. Upper management was trying (and trying to push her) to fit square data into  
18 round holes, in an effort to bolster ORACLE Cloud Services financial reports that would be  
19 paraded before company leadership as well as the investing public.

20 10. An experienced CPA, auditor and finance professional, Plaintiff was well  
21 aware of Sarbanes-Oxley controls and directives to adhere to Generally Accepted Accounting  
22 Principles (“GAAP”). Mindful of these rules, Plaintiff diligently performed her duties and  
23 received a positive performance review in August 2015. The following month, however, her  
24 supervisors charted a course that veered from legal, ethical and company standards.

25 11. Plaintiff’s superiors instructed her to add millions of dollars in accruals to  
26 financial reports, with no concrete or foreseeable billing to support the numbers, an act that  
27 Plaintiff warned was improper and suspect accounting. She told her supervisor, “I will blow the  
28 whistle” if ordered to proceed further in this fashion.

1           12. The data, she knew, would end up in SEC filings and be touted on earnings  
2 calls, used to paint a rosier picture than actually existed on the ground. Dollar amounts that  
3 might seem modest on their face would propagate through other data, influencing a host of  
4 statements on reports made to the investing public. Executives above her in the chain of  
5 command went ahead and added accruals on their own; once again, Plaintiff objected. She  
6 expressed serious misgivings about their plans for re-accruals as well. A supervisor instructed  
7 her to ignore the absent billings that she had pointed out, because his intention was to re-  
8 accrue. After confronting him about the dangers of a lack of billings, and the history of bad  
9 accruals that never resulted in billings, the supervisor told her that her statements were  
10 "irritating." In addition to supervisors, a fellow finance manager and the company's assistant  
11 controller were on notice of Plaintiff's concerns. As Plaintiff continued to resist and warn of the  
12 accounting improprieties, she became more of a roadblock than a team player who would  
13 blindly generate financial reports using improper bases in order to justify the bottom lines that  
14 her superiors demanded to see.

15           13. Within weeks, on October 15, 2015, the company terminated Plaintiff's  
16 employment.

### 17   **FIRST CAUSE OF ACTION**

#### 18                           **Retaliation under the Sarbanes-Oxley Act (18 U.S.C. § 1514A *et seq.*)**

#### 19   **(Against all corporate Defendants)**

20           14. Plaintiff repeats and re-alleges the allegations contained in the preceding  
21 paragraphs and incorporates the same by reference as though fully set forth herein.

22           15. Plaintiff is an employee, and Defendant is an employer, within the meaning of  
23 the Sarbanes-Oxley Act, 18 U.S.C. § 1514A *et seq.*

24           16. Plaintiff engaged in activity that is legally protected under the Sarbanes-Oxley  
25 Act by reporting, resisting and refusing to engage in conduct that she reasonably believed  
26 violated or would violate the law and the Act's requirements.

27           17. Defendants' conduct following the above-described protected activity, which  
28 culminated in Plaintiff's termination, constitutes unlawful retaliation under the Act. Pursuant to



1 18 United States Code section 1514A(b), Plaintiff on November 30, 2015 filed a timely  
2 complaint under the Sarbanes-Oxley Act with the Department of Labor's Occupational Safety  
3 and Health Administration, notifying the agency of Act violations and the facts and theories to  
4 support the violations. Plaintiff thus will have complied with the Sarbanes-Oxley  
5 administrative exhaustion requirement as the Department of Labor did not issue a final decision  
6 on the complaint within 180 days of the filing of the administrative claim, without any fault of  
7 Plaintiff, thereby entitling Plaintiff to file this action in federal court.

8 18. As a proximate result of the conduct of Defendants, Plaintiff has suffered and  
9 continues to suffer harm, including but not limited to, lost earnings and other employment  
10 benefits, loss of future employment benefits, including insurance and pension, loss of medical  
11 insurance, humiliation, emotional distress, and mental pain and anguish, all to her damage in an  
12 amount to be proven at trial but exceeding the minimum jurisdictional limits of this Court.

13 19. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice  
14 and in conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive  
15 damages in an amount according to proof at trial.

16 20. Plaintiff has also incurred and continues to incur attorneys' fees and legal  
17 expenses in an amount according to proof at trial.

18 21. Plaintiff requests relief as described below.

19 **SECOND CAUSE OF ACTION**

20 **Retaliation under the Dodd-Frank Wall Street Reform and Consumer Protection Act (15**

21 **U.S.C. § 78u-6 *et seq.*)**

22 **(Against all corporate Defendants)**

23 22. Plaintiff repeats and re-alleges the allegations contained in the preceding  
24 paragraphs and incorporates the same by reference as though fully set forth herein.

25 23. Plaintiff is an employee, and Defendant is an employer, within the meaning of the  
26 Dodd-Frank Wall Street Reform and Consumer Protection Act.

27 24. Plaintiff engaged in activity that is legally protected under the Dodd-Frank Wall  
28 Street Reform and Consumer Protection Act. Specifically, 15 United States Code section 78u-

1 6(h)(1)(A)(iii) provides that an employer may not discharge or otherwise discriminate against an  
2 individual who makes disclosures required or protected under the Sarbanes-Oxley Act. As  
3 alleged above, Plaintiff made disclosures that are protected under the Sarbanes-Oxley Act by  
4 reporting, resisting and refusing to engage in conduct that she reasonably believed violated or  
5 would violate the law, and the Act's requirements.

6 25. Defendants' conduct following the above-described protected activity, which  
7 culminated in Plaintiff's termination, constitutes unlawful retaliation under the Act.

8 26. As a proximate result of the conduct of Defendants, Plaintiff has suffered and  
9 continues to suffer harm, including but not limited to, lost earnings and other employment  
10 benefits, loss of future employment benefits, including insurance and pension, loss of medical  
11 insurance, humiliation, emotional distress, and mental pain and anguish, all to her damage in an  
12 amount to be proven at trial but exceeding the minimum jurisdictional limits of this Court.

13 27. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice  
14 and in conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive  
15 damages in an amount according to proof at trial.

16 28. Plaintiff has also incurred and continues to incur attorneys' fees and legal  
17 expenses in an amount according to proof at trial.

18 29. Plaintiff requests relief as described below.

19 **THIRD CAUSE OF ACTION**

20 **Retaliation (California Labor Code § 1102.5)**

21 **(Against all corporate Defendants)**

22 30. Plaintiff repeats and re-alleges the allegations contained in the preceding  
23 paragraphs and incorporates the same by reference as though fully set forth herein.

24 31. Defendants terminated Plaintiff on October 15, 2015 following Plaintiff's  
25 protected activity under California Labor Code section 1102.5; Plaintiff's protected activity  
26 included complaints about, resistance to and refusal to engage in suspected violations of the  
27 law, including violations of the Sarbanes-Oxley Act and the Dodd-Frank Wall Street Reform  
28 and Consumer Protection Act.

1           32. As a proximate result of the conduct of Defendants, Plaintiff has suffered and  
2 continues to suffer harm, including but not limited to, lost earnings and other employment  
3 benefits, loss of future employment benefits, including insurance and pension, loss of medical  
4 insurance, humiliation, emotional distress, and mental pain and anguish, all to her damage in an  
5 amount to be proven at trial but exceeding the minimum jurisdictional limits of this Court.

6           33. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice  
7 and in conscious disregard of Plaintiff’s rights and Plaintiff is therefore entitled to punitive  
8 damages in an amount according to proof at trial.

9           34. Plaintiff requests relief as described below.

10                                   **FOURTH CAUSE OF ACTION**

11                           **Wrongful Termination In Violation Of Public Policy**

12                           **(Against all corporate Defendants)**

13           35. Plaintiff repeats and re-alleges the allegations contained in the preceding  
14 paragraphs and incorporates the same by reference as though fully set forth herein.

15           36. Plaintiff was terminated on October 15, 2015.

16           37. Plaintiff is informed and believes and based thereon alleges that Defendants, and  
17 each of them, terminated Plaintiff because she engaged in protected activity under the  
18 Sarbanes-Oxley Act, the Dodd-Frank Wall Street Reform and Consumer Protection Act, and  
19 California Labor Code section 1102.5.

20           38. Plaintiff’s termination was in violation of public policy as set forth in the above-  
21 cited statutes.

22           39. As a proximate result of Plaintiff’s termination by Defendants, Plaintiff has  
23 suffered and continues to suffer harm, including but not limited to, lost earnings and other  
24 employment benefits, loss of future employment benefits, including insurance and pension, loss  
25 of medical insurance, humiliation, emotional distress, and mental pain and anguish, all to her  
26 damage in an amount to be proven at trial but exceeding the minimum jurisdictional limits of  
27 this Court.  
28

1 40. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice  
2 and in conscious disregard of Plaintiff's rights and Plaintiff is therefore entitled to punitive  
3 damages in an amount according to proof at trial.

4 41. Plaintiff requests relief as described below.


5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff seeks relief from this Court in the following respects:

- 7 1. For special and general damages according to proof;
- 8 2. For punitive damages;
- 9 3. For reinstatement or front pay in lieu thereof, according to proof;
- 10 4. For double back pay on the second cause of action;
- 11 5. For a permanent injunction prohibiting Defendants from retaliating against  
12 employees who raise concerns or complaints about (or refuse to engage in) conduct they  
13 reasonably believe to be unlawful or fraudulent under the Sarbanes-Oxley Act or the Dodd-  
14 Frank Wall Street Reform and Consumer Protection Act;
- 15 6. For costs of suit incurred herein;
- 16 7. For attorney fees on causes of action where fees are available by law;
- 17 8. For prejudgment and post-judgment interest as available by law; and
- 18 9. For such other and further relief as this Court may deem just and proper.

19  
20 Dated: June 1, 2016

Respectfully submitted,

21 

22 Daniel Velton  
23 Attorney for Plaintiff  
24 SVETLANA BLACKBURN


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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial for each cause of action on which she is entitled to a jury trial.

Dated: June 1, 2016

Respectfully submitted,

  
Daniel Velton  
Attorney for Plaintiff  
SVETLANA BLACKBURN